

23



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,716	09/15/2003	Douglas A. Atkinson	086464.00006	1020
33221	7590	04/14/2005	EXAMINER	
KEVIN A. BUFORD HOLLAND & KNIGHT LLP 1600 TYSONS BOULEVARD, SUITE 700 MCLEAN, VA 22102			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/662,716		ATKINSON ET AL.	
	Examiner		Art Unit	
	REXFORD N BARNIE		2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (US 2004/0066913) in view of Ady et al. (US 2002/0136165).

Regarding claim 1, Kennedy teaches a method for testing and qualifying telecommunication loops comprising using a test means for testing which can be coupled to a network terminator/interface and wherein testing can be performed using inbound caller-ID signaling or FSK signaling and the user can interact during testing via DTMF signaling in (see figs., 0003, 0005, pages 3-5, page 7, 0076, 0136, 0139 and so forth).

Kennedy fails to teach testing over a broadband network.

Ady teaches a broadband network testing or diagnostics wherein a test device can be coupled to a network terminator in (see figs.). Furthermore, Ady teaches registration, caller ID transmission/testing and so forth in (see 0025-0026, 0040-page 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to diagnose problem associated in a broadband network into that of Kennedy in

Art Unit: 2643

order to determine capabilities of a network in an efficient manner and to take corrective measures, if necessary for all networks.

Regarding claim 2-4, 6-~~9~~, The combination including Kennedy teaches a registration and so does Ady in (see page 5) with some form of interactions.

Regarding claim 5, Kennedy teaches a method for testing and qualifying telecommunication loops comprising using a test means for testing which can be coupled to a network terminator/interface and wherein testing can be performed using inbound caller-ID signaling or FSK signaling and the user can interact during testing via DTMF signaling in (see figs., 0003, 0005, pages 3-5, page 7, 0076, 0136, 0139 and so forth).

Kennedy fails to teach testing over a broadband network.

Ady teaches a broadband network testing or diagnostics wherein a test device can be coupled to a network terminator in (see figs.). Furthermore, Ady teaches registration, caller ID transmission/testing and so forth in (see 0025-0026, 0040-page 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to diagnose problem associated in a broadband network into that of Kennedy in order to determine capabilities of a network in an efficient manner without the need for complex elements and to take corrective measures, if necessary for all networks.

Regarding claim 9, Kennedy teaches a method for testing and qualifying telecommunication loops comprising using a test means for testing

Art Unit: 2643

which can be coupled to a network terminator/interface and wherein testing can be performed using inbound caller-ID signaling or FSK signaling and the user can interact during testing via DTMF signaling in (see figs., 0003, 0005, pages 3-5, page 7, 0076, 0136, 0139 and so forth).

Kennedy fails to teach testing over a broadband network.

Ady teaches a broadband network testing or diagnostics wherein a test device can be coupled to a network terminator in (see figs.). Furthermore, Ady teaches registration, caller ID transmission/testing and so forth in (see 0025-0026, 0040-page 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of being able to diagnose problem associated in a broadband network into that of Kennedy in order to determine capabilities of a network in an efficient manner without the need for complex elements and to take corrective measures, if necessary for all networks.

Note: that the claimed method steps would be performed by the combination using its apparatus.

Regarding claims 10-18, The combination teaches the claimed subject matter of registration, confirmation message And so forth in (see 0045, 0139 and so forth of Kennedy and figs and disclosure of Ady).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone


Art Unit: 2643

number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
04/12/05


REXFORD BARNIE
PRIMARY EXAMINER